

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant, N.E. Property Management, LLC (referred to herein as “Defendant”), hereby removes this action from the District Court of Oklahoma County, Oklahoma, where it was filed as Cause No. CJ-2017-7089, styled *Chastin Hayes v. NE Property Management, LLC.*, to the United States District Court for the Western District of Oklahoma. As the grounds for removal, Defendant states as follows:

1. Plaintiff filed her Petition in this matter on December 18, 2017 in the District Court of Oklahoma County, State of Oklahoma, which is located within the Western District of Oklahoma. Plaintiff's Petition is attached hereto as Exhibit "1."

2. Defendant was served with Summons on December 20, 2017. A copy of the Summons is attached hereto as Exhibit "2".

3. This is a civil action over which this Court has original subject matter jurisdiction under the provisions of 28 U.S.C. § 1331. Pursuant to Plaintiff's Petition, Plaintiff's claims arise out of alleged violations of federal law that allegedly occurred

during her employment with Defendant. Plaintiff's Petition alleges a violation of the Americans with Disabilities Act as Amended ("ADAAA"), Title VII of the Civil Rights Act, 42 U.S.C. § 1981, and the Family Medical Leave Act ("FMLA"), all of which are federal statutes. *See Petition, ¶¶ 3, 10-11, 16, 21-22, 26-27, 29, 31, 35 and 39.* Therefore, this Court has jurisdiction under 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

4. Plaintiff also brings a state law claim which arises out of the same transaction or occurrence as her federal claims, and is part of the same case or controversy pursuant to 28 U.S.C. § 1367(a). Specifically, Plaintiff claims that Defendant violated the Oklahoma Anti-Discrimination Act. *See Petition ¶¶ 3, 31, and 35.*

5. This Notice of Removal is timely because it is filed within thirty (30) days from the date Defendant received a copy of the Petition and Summons. *See 28 U.S.C. § 1446(b).*

6. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being filed this day with the Clerk of the District Court of Oklahoma County, State of Oklahoma.

7. In accordance with LCvR 81.2, Fed. R. Civ. P. 81, and 28 U.S.C. § 1446(a), copies of all process and pleadings previously served upon Defendant, including a copy of the state court docket sheet, are attached hereto as Exhibits "1" through "6."

8. There are no motions pending before the Oklahoma County District Court in this matter, nor are any hearings currently set.

WHEREFORE, Defendant respectfully removes this action to this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

Respectfully submitted,

s/Kristin M. Simpsen

Kristin M. Simpsen, OBA #22302
Paige H. Good, OBA #31595
McAfee & Taft A Professional Corporation
Tenth Floor, Two Leadership Square
211 North Robinson Avenue
Oklahoma City, Oklahoma 73102-7103
Telephone: (405) 235-9621
Facsimile: (405) 235-0439
kristin.simpson@mcafeetaft.com
paige.good@mcafeetaft.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing and deposited a copy in the U.S. mail, postage prepaid, to the following registrants:

Amber L. Hurst
Leah M. Roper
Hammons, Gowens, Hurst & Associates
325 Dean A. McGee Avenue
Oklahoma City, OK 73102
amber@hammonslaw.com
leah@hammonslaw.com

ATTORNEYS FOR PLAINTIFF

s/Kristin M. Simpser _____